

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

DEION BROWN,

Petitioner,

v.

TERRY ROYAL, *et al.*,

Respondents.

Case No. 3:25-cv-00052-MMD-CLB

ORDER

Petitioner Deion Brown, a Nevada state prisoner, submitted a *pro se* Petition for Writ of Habeas Corpus (ECF No. 1-1) under 28 U.S.C. § 2254. This matter is before the Court on Brown's Application to Proceed *In Forma Pauperis* ("IFP") (ECF No. 1).

Under 28 U.S.C. § 1914(a) and the Judicial Conference Schedule of Fees, a \$5.00 filing fee is required to initiate a habeas action in a federal district court. The Court may authorize a person to begin an action without prepaying fees and costs if the person demonstrates poverty through an IFP application. A prisoner's IFP application must be submitted on the Court's form and include specific financial information: (1) a copy of the prisoner's account statement for the six-month period prior to filing; (2) a financial certificate signed by the prisoner *and* an authorized prison official; and (3) the prisoner's financial acknowledgement confirming under the penalty of perjury that the financial information is true. See 28 U.S.C. § 1915; LSR 1-1, LSR 1-2.

Brown requested IFP status to waive his filing fee. However, Brown did not submit a financial certificate signed by an authorized officer at the Ely State Prison. In addition, Brown did not submit a certified copy of his/her inmate trust account statement for the six-month period preceding this habeas action. Although it appears that Brown may qualify for IFP status, the Court is unable to make a final determination without all required documents. Brown's IFP application lacks the appropriate financial information and

1 documentation required by § 1915(a) and the Local Rules and is therefore denied without
2 prejudice. Brown indicates he had difficulty obtaining a financial certificate but can pay
3 the filing fee. (ECF No. 1-2.) Brown must decide whether to pay the filing fee or submit a
4 complete IFP application with the required documents. Brown will have until March 18,
5 2025, to either pay the \$5.00 filing fee or submit a complete IFP application with all
6 required attachments. If Brown chooses to submit an IFP application, but encounters
7 delay, he may request an order granting him additional time to comply with this Order.

8 It is therefore ordered that Petitioner Deion Brown's Application to Proceed *In*
9 *Forma Pauperis* (ECF No. 1) is denied without prejudice.

10 The Clerk of Court is directed to send Brown *two* copies of the IFP application for
11 incarcerated individuals along with instructions.

12 It is further ordered that Brown must file a complete IFP application **by March 18,**
13 **2025**, which must include: (a) a financial certificate signed by Brown *and* an authorized
14 prison official; (b) Brown's financial affidavit and acknowledgement; and (c) a certified
15 copy of Brown's inmate trust account statement for the six-month period prior to filing.
16 Alternatively, Brown must pay the \$5 filing fee by **March 18, 2025**.

17 It is further ordered that the initial screening of Brown's Petition for Writ of Habeas
18 Corpus (ECF No. 1-1) under the Rules Governing Section 2254 Cases in the United
19 States District Courts is deferred until such time as Brown has fully complied with this
20 Order.

21 It is further ordered that, if Brown fails to timely comply with this Order by submitting
22 a complete IFP application with required documents, or paying the filing fee, before the
23 **March 18, 2025**, deadline, the Court will dismiss this case without prejudice and without
24 advance notice.

25 DATED THIS 27th Day of January 2025.

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28 _____
MIRANDA M. DU
UNITED STATES DISTRICT JUDGE